G. R. S. IX-5]

Previous references.
337-B & C 1-2
127-17 & 142

Revenue

1917-18

(Courts.)

File No. 219-17.

Serial Nos. 1 to 6

Later references.
CG: 67-18 & C 1.
CR 65-18 & C 17.
CBD 209 of 18-19.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 6.

Part B for August 1918.

SUBJECT.

Criminal work of Mr G. Rudrappa Dep: Asst: Commr & H.G. Cases Inagte: Chik-Inagalur.

& C 6. To The D: Inagte: Kadur

No. G. 30933 dt 10-8-1918

Returns the records in criminal case No: 194 & 200 of 17-18 on the file of Dep: Asst: Commr: & H.G. Class Inagte: of Chikmagalur

W D 88—GPB—50,000—24-7-16

2418/18.

G. R. S. III—1] 1917.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 219-17

FILE HEADING.

Criminal work of Mr. G. Rudrappa, Treasury Asst. Commissioner & 1st class magte, Chikmagalur

From

The Registrar, Chief Court of Mysore

No. Dis M 739 Dated 14.5.18 Received 16.5.18

Diary No. 12684	Enclos. 1	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards a copy of the order passed in criminal revision cases nos. 34 & 35 of 1917 on the file of that Court.

NOTES AND ORDERS.

Subd. for orders

KN. 18/5

To be favoured of perusal and orders if any.

Chief Secretary) 23/5

3 A copy of the abstract remarks may be sent along with the confidential reports.

4198 22/5

Cog 24/5

4 yrs roll 23/5

5 Which may be Communicated to the Inspr General of Police, Mysore

16.5

NOTES—First Sheet.

WD 1232—GPB—20,000—18-11-16

1st member
2nd member

227 25.5.18.

G. R. S. III-2]

General and Revenue Secretariat.

C/S File No. 219 of 1917.

Serial No.

Draft Subd.
V.N.
3/7-Ktl.
31

8 In favour approval
Es
1/6

First Membry.

4290
4/6

Secy A
4/6/18

9 Offd
Well
2/6
Z
Secy 4/6

2 To the Revr. comr.
No J 5010 7th June 1918
Forwards a copy of the order and requests that the same may be communicated to Mr. Rudrappa for any explanation he may wish to furnish.

3 From the Same offrs no. Dis 10 Dy 5.7.18
Forwards Mr. Rudrappa's letter offering explanation on the remarks of the Chief Court

10 Subd. for orders.
V.N.
8/7

11 It seems necessary under the circumstances to set the original judgt. The Dt. Magistrate may be requested to send up the records for perusal
Es
8/7

12 Draft Subd.
V.N.
8/7
8/7

13 Secy
7/7

Note—Contn. sheet.

WD A 1789—GPB—60,000—20-8-15—S

G. R. S. III-2)

General and Revenue Secretariat. | File No. 219 of 1917.

Serial No.

4 To The D. C. of Madura
No 9 1233 18th Aug: July 18
Requests to forward the records in criminal cases nos 20 and 19 of 1914-18 on the file of the Sessions Court and also to clear [illegible]

Sus A 23/-

5. From The Ad Dist Magte [illegible]

M.
Subd for orders - (Ref: Item 4)
M.
29/7

15) Submitted for favour of perusal. Whether may be the intentions of Mr Rudrappa, he has not opposed his intentions as he wanted to do, and the judgment is capable of the only interpretation put on it by the Crl Court. In view of what he has stated in the last two paragraphs of his explanation, no further action seems necessary.

29/7

15) First Member

17) Yes - No further action necessary

5 cases

548/5-6

4/8/18 Returned

Subd. with Dfr. returning records

20 June

6/8

6/8

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. | of 191

Serial No.	
6	To the Dr. Chapter, Kadina [illegible] No G. 3093 & 10 & 18. Returns the Records [illegible] Claim [illegible] No 4 2. 17 [illegible] on the Sole of Treasury Store [illegible] and 18 Casks magistrate [illegible]

B
12/8/16

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-13—S.

15 MAY 1918

CHIEF COURT OF MYSORE,

Bangalore, Dated 11th May 1918.

From

N.T. GOPALIENGAR, ESQUIRE, B.A., L.B.,

Registrar of the Chief Court of Mysore,

Bangalore.

J2684.
Chief Court
Bangalore.
209-17

GS- 16/5
REVENUE SECRETARIAT
III
JUDICIAL
16 MAY 1918

To

C.S. RAJASUNDARAM IYER, ESQUIRE, B.A.,

Chief Secretary to the Government of Mysore,

Bangalore.

Sir,

I am directed to forward herewith for the information of Government a copy of the order passed in Criminal Revision Cases Nos. 34 and 35 of 1917-18 on the file of this Court.

I have the honor to be,

Sir,

Your most obedient servant,

N. Gopaliengar

REGISTRAR.

D.L.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Monday, the 6th day of May 1918.

Before Mr. Justice T.PARAMASIVA IYER.

Criminal Revision Cases Nos. 34 and 35 of 1917-18.

Cr. R.C.No. 34:- Read copy of order passed by the Sessions Judge of Shimoga in Criminal Miscellaneou Case No. 12 of 1917-18 setting aside the order of ~~im~~ discharge of Masti, accused in Criminal Case No. 20 of 1917-18 on the file of the Treasury Assistant Commissioner and First Class Magistrate of Chickmagalur, and ordering a retrial of the case.

Cr. R.C.No. 35:- Read copy of order passed by the Sessions Judge of Shimoga in Criminal Miscellaneou Case No. 11 of 1917-18 setting aside the order of discharge of Boba, accused in Criminal Case No. 19 of 1917-18 on the file of the Treasury Assistant Commissioner and First Class Magistrate of Chickmagalur, and ordering a retrial of the case.

Read records in Criminal Cases Nos. 20 and 19 of 1917-18 (on the file of the Treasury Assistant Commissioner and First Class Magistrate of Chickmagalur) ending in the orders of discharge dated 8th January 1918.

O R D E R.

Boba and Masti the accused in the above two cases are husband and wf wife servants of one Sheshanna Gowda and living under his protection. Kulli, sister of Boba, died under suspicious circumstances and was secretly buried one midnight under Seshanna Gowda's orders while her brother Boba was away from home. On Boba's return home Masti informed him that Kulli had been beaten to death by Seshanna Gowda and that she herself received a beating when she tried to interfere. A formal complaint embodying these facts was preferred by Boba, Kulli's body was exhumed and Boba and Masti confirmed at the inquest the facts set out in the complaint. The Police submitted a B report 'for reasons best known to themselves' according to the magistrate. The Sub Assistant Surgeon certified that Kulli's death was due to natural causes, but the District Medical Officer certified to a contrary effect. The Sub Division Magistrate distrusted the B report and commenced an enquiry against Seshanna Gowda, but that enquiry proved infructuous as Boba and Masti went back upon their statements in the complaint and at the inquest. Boba and Masti were ~~then~~ then put up before the Treasury Assistant Commissioner and First Class Magistrate, Mr. Rudrappa, on charges under sections 182, 193 and 211 of the Indian Penal Code. Mr. Rudrappa held that the alternative charges under sections 182 and 211 were untenable. He was of opinion that the statements in the complaint petition and at the inquest were true and that Boba and Masti 'denied these statements before the Sub [illegible]sion Magistrate to save their master Seshanna Gowda from the peril of conviction under section 304, Indian Penal Code.' In other words Boba and Masti perjured themselves before the Sub Division Magistrate and caused a clear and serious [illegible] [illegible]

miscarriage of justice to save the life or liberty of the man who had killed Boba's sister. It is difficult to see how Boba is entitled to any sympathy in these circumstances though something may be said in favour of his wife Masti. Having virtually found Boba and Masti guilty under section 193, Indian Penal Code, Mr. Rudrappa however put himself above the law and discharged the accused for reasons which will not bear examination and are best stated in his own words. 'This seems to be one of those unfortunate cases where the aggrieved parties voluntarily consent to suffer to save influential individuals from the penalties of law. His conduct is no doubt improper, but considering his humble position and the strong temptations he must have been subject to, I consider that his having remained in the District Lock-up since the 26th of November 1917 is a sufficient punishment to meet the ends of justice for his improper conduct and discharge him under section 253, Criminal Procedure Code.' The learned Sessions Judge naturally held that the orders of the magistrate could not be supported and it is to be regretted that Mr. Rudrappa with his qualifications should have perpetrated an error calculated to raise grave doubts as to his fitness to exercise magisterial functions.

Sd/. T. Paramasiva Iyer.

J U D G E.

N. G.

"a Copy"

N. Yogeshwaran

Registrar

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

( )

, the *191*

Date of issue..... 7.6.18

Signed by..... M. G. Srinivasa

Section Courts

File No. 219-17

Serial No. 2

No. J 5010

To

The Revenue Commissioner

in Mysore

Sir,

I am directed to forward herewith a copy of the order passed in Criminal Revision cases nos 34 & 35 of 1917-18 on the file of the Chief Court and to request that the same may be communicated to Mr. G. Rudrappa Assistant Commr & 1st class Magte ~~with a view for any explanation~~

over.

may wish to make.

I have etc

Wer
2/6

for Chief Secy

List of enclosures.

Copied by

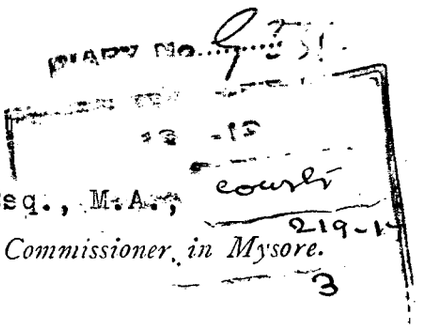
Examined by

W D86–GPB—60,000–15-11-16

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE.

No. ಡಿಪಿಎ ೫೫೬/18-19 *Bangalore,* ~~2nd~~ July 1918.

FROM



K.R. Srinivasaiengar Esq., M.A.,
Revenue Commissioner in Mysore.

To

Chief
The Secretary to the Government of
His Highness the Maharaja of Mysore,
~~*Department.*~~

SIR,

Referring to your letter No.J.5010.T/Cts.219-17-2 dated the 7th June 1918 calling for Mr.G.Rudrappa's explanation on the order passed by the Chief Court in Criminal Revision Cases Nos.34 and 35 of 1917-18, I have the honor to forward herewith Mr.Rudrappa's letter No.283 dated 18th June 1918 received with Kadur District Deputy Commissioner's letter No.C.M.544/1917-18 dated the 21st June 1918.

I have the honor to be,

Sir,

Your most obedient servant,

K.R. Srinivasaiengar

Revenue Commissioner.

H.V.

R. C. 4.

From 07798

The *Revenue Commissioner in Mysore.*

To Chief
The Secretary to the Government of
H. H. the Maharaja of Mysore,
~~*Department.*~~

Dated 5- July 1918.
Despatched
Received 6 JUL 1918
General No. D.D.No. 1022/18-19.
Enclosure No. one

SUBJECT.

Forwarding Mr.G.Rudrappa's explanation on the order passed by the Chief Court in Criminal Revision cases Nos.34 & 35 of 1917-18.

GEN. & REV. SECRETARIAT III JUDICIAL 6- JUL 1918

National Press, Bangalore. 2,000—18-12-1917.

No. 283

Office of the Treasury Assistant
Commissioner & First Class Magistrate,
Dated Chikmagalur, the 18th June 1918.

From

G.Rudrappa, ESQ., M.A., Bar-at-Law,
Treasury Assistant Commissioner & First Class
Magistrate, Chikmagalur.

To

C.Devaraj Urs, ESQ.,
District Magistrate, Kadur District,
CHIKMAGALUR.

Sir,

In reply to your memo No.C.M.544 of 1917-18 dated 17th June 1918 forwarding for my explanation copy of order in criminal Revision Cases Nos.34 & 35 of 1917-18 on the file of the Chief Court received through the Revenue Commissioner in Mysore, I have the honor to submit the following explanation and to say that I feel grateful to Government and to the Chief Court for having given me an opportunity to explain some circumstances which led the Chief Court to make some remarks which are unpleasant to me and to correct the impression that has been created by quoting only some portion of my order in the reference. The impression is created that I have at the same-time found the accused guilty and not guilty. I beg to state the fact of the case to the best of my recollection as the full records are not with me.-

Rec'd 20/6/18

Baba and Kasti were charged with offences under Sections 182, 193 & 211 of the Indian Penal Code on the ground that they had told a lie or falsehood at the inquest proceedings, because they did not support what they had stated at the inquest at the trial before the Sub Division Magistrate, and they were brought up before me for trial. On the examination of the records and the evidence in the case, the mystery surrounding the death of Kulli sister of Baba remained unexplained

unexplained and the accused before me, namely - Baba and Masti stated that what they had they had stated at the inquest was perfectly true and that they were influenced by drink and other things to deny before the Sub Divisional Magistrate what they had said at the inquest. To my mind this story appeared probable and natural as the mystery of the death of Kulli remained unexplained and I had to decide whether what they said at the inquest was true or not and if true whether the accused had any justifiable excuse to deny that before the Magistrate. The accused pleaded drunkenness or dominating influence for denying it before the Magistrate and I had to decide whether it might be probable and natural, considering the humble position of the individuals concerned and I accpted their defence bonafide and this was the ground for my discharge order; but unfortunately for me this portion has not been reproduced in that portion of the order which has been the subject of comment by the Chief Court.

2. Although I accepted the plea of drunkenness and undue influence I still desired to express that their conduct was improper and for such improper conduct they had been sufficiently punished by being kept in custody till the time of discharge but that the circumstances of the case warranted a discharge.

3. I therefore humbly submit that in the earlier portion of my order by accepting bonafide their defence or explanation as natural and probable under the circumstances of the case. I have clearly stated the ground of discharge and I believ that what I did, I have done according to law. That portion of my order which has been prominently quoted refers only to my sense that although their defence war accept -ed the accused ought to have behaved better and for what they had done they had been sufficiently punished already. If my order is kindly read in this light I humbly submit that no error of law seems to arise but if only the final portion of my order is read I must confess that it would appear that I

I have committed an absurdity by finding the accused guilty and and not guilty at the sametime. I beg to submit also that I am very sorry to have erred in showing too much of that sympath which the Chief Court also seems inclined to show in their remark. namely - " It is difficult to see how Baba is entitled to sympathy in these circumstances though something may be said in favour of his wife Masti".

I am perfectly willing to learn and to improve and I request the Chief Court to read the whole order in the light of my explanation and to say ~~that~~ if I am still labouring under any mistakes of law. I am very sorry for my illplaced sympathy which was bonafide and which has necessitated this explanation and I earnestly request the Chief Court to read my order in the light of my explanation and change their opinion in the matter.

I have the hnor to be,

Sir,

Your most obedient servant,

Treasury Assistant Commissioner &

First Class Magistrate,

Chikmagalur.

B.S.

G. R. S. Vl—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

( )

, the *191* .

Date of issue 18th Sept 18

Signed by for G.S.S.

Section Courts
File No. 219-17
Serial No. 4

No. G 1233

To

The District Magistrate of
Kadur

Sir,

I am directed to request you to be so good as to forward to this office the records in Criminal cases nos 20 & 19 of 1917-18 on the file of the Treasury Assistant Commr & 1st class Magistrate of Chikmagalur.

I have &c

for Chief Secy

over.

KW
A.

KB 1317

Office of the District Magistrate,

Kadur District.

Dated Chikmagalur, 23rd July 1918.

From

C.Devaraj Urs, Esq.,

District Magistrate,

Kadur District.

To

C.S.Balasundaram Iyer, Esq., B.A.,

Chief Secretary to the Government of Mysore,

Bangalore.

Sir,

With reference to your letter No.G.1233/Cts. 219-17-4 dated 18th July 1918, I have the honour to forward -- herewith the records in Criminal Cases Nos.20 and 19 of 1917-18 on the file of the Treasury Assistant Commissioner and 1st class Magistrate of Chikmagalur.

I have the honour to be,

Sir,

Your most obedient servant,

Treasury Assistant Commissioner,
For District Magistrate,

Kadur District.

(Absent from station).

D.S.R.

WD.0463—GPB—8,00,000—21-7-17—S.

1918

From The district magistrate,
Khadin district

To The Chief Secretary
to Government,
Bangalore.

Dated 23rd July 1918.

Despatched

Received

General No. C. — 5th Aug 1918
No. 1748

Enclosure No. 2 files.

09814

Forwarding the
records in criminal cases
Nos. 20 and 19 of 1917-18
on the file of the Treasury
Assistant Commissioner
and First-class Magis-
trate of Chikmagalur.

G. R. S. VI—G/32]

SUBJECT.....

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Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,
( )
, *the* 191 .

Date of issue 10-8-18

Signed by W Edgley

Section Ch.
File No. 219-17
Serial No. 6

No. G 3093
2 files

To

The Dt. Magistrate
Kadaur Dt.

Sir, ~~In continuation of this office letter No. G 1933 dated 2-8-18 CS 219-17-4~~ I am directed to return herewith the records in criminal cases nos. 19 and 20 ~~20 & 19~~ of 1917-18 on the file of the Treasury asst. Commr. & 1st class Magistrate of Chickmagalur received with your letter No. C.M. 5249/17-18 dated 23rd July 1918.

I have etc.

For chief Secy.

over. Rowl

8/8.

8/8.